

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
BWP MEDIA USA INC. d/b/a PACIFIC COAST
NEWS,

Plaintiff.

-against-

DEATH ADDERS INC. d/b/a MISHKA NYC
LLC,

Defendant.
----- x

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ MAR 03 2017 ★

BROOKLYN OFFICE

MEMORANDUM & ORDER

13-cv-4435 (ENV) (LB)

VITALIANO, D.J.

On March 7, 2016, plaintiff BWP Media USA Inc. d/b/a Pacific Coast News ("BWP") accepted an offer of judgment, pursuant to Federal Rule of Civil Procedure 68, ECF Dkt. No. 45, which provided for the entry of judgment against defendant Death Adders Inc. d/b/a Mishka NYC LLC, in the amount of \$7,500 plus "costs and attorney [sic] fees in the amount to be set by the Court," ECF Dkt. No. 45-1 at 3. Judgment was entered, accordingly, on April 6, 2016. ECF Dkt. No. 46.

On April 20, 2016, BWP moved for attorney's fees and costs, pursuant to § 505 of the Copyright Act (17 U.S.C. § 505). ECF Dkt. No. 47. The parties then briefed the issue before Magistrate Judge Lois Bloom. *See* ECF Dkt Nos. 47, 50, 54, 55. On December 28, 2016, Magistrate Judge Bloom recommended that BWP's request for attorney's fees should be denied, but that costs in the amount of \$400 should be awarded. ECF Dkt. No. 56 at 16.

With notice given, *see id.*, no party has filed an objection to Magistrate Judge Bloom's report and recommendation, and the time to do so has passed. In accordance with the applicable clear-error standard of review, *see Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014), the Court has carefully reviewed the report and

recommendation, and finds it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts it, in its entirety, as the opinion of the Court.

Conclusion

Accordingly, BWP's request for attorney's fees is denied, but BWP is awarded \$400 in costs.

The Clerk of Court is directed to maintain this case on the closed docket.

So Ordered.

Dated: Brooklyn, New York
February 28, 2017

Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge